

In the Matter of the Application of )  
Illinois-American Water Company for )  
a Certificate of Convenience and ) Docket No. 01-0595  
Necessity to Construct and Operate an )  
Extension of its Water Distribution )  
System in St. Clair County, Illinois. )  
)

**PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS OR  
IN THE ALTERNATIVE TO STAY PROCEEDINGS**

Petitioner, Illinois-American Water Company (Illinois-American) by its attorney, Sue A. Schultz, for its response to the City of O'Fallon's Motion to Dismiss or in the Alternative to Stay Proceedings states:

1. In response to BJR Properties, Inc.'s request for water service at the property which is the subject of this proceeding, Illinois-American filed this Application for a Certificate of Convenience and Necessity to Construct and Operate an Extension of its Water Distribution System in St. Clair County, Illinois.
2. O'Fallon intervened into the proceeding and objected to the application.
3. BJR Properties and O'Fallon have entered into negotiations for O'Fallon to provide water service to the subject property. As a result of those negotiations, BJR Properties, Inc. has withdrawn its request for service from Illinois-American.
4. O'Fallon filed a motion to dismiss, or in the alternative, to stay the proceedings for sixty days in order for O'Fallon and BJR Properties, Inc. to reach an agreement regarding the water service to the subject property.

5. Illinois-American agrees that in the interest of judicial economy this proceeding should be stayed for sixty (60) days. Thereafter, the matter should be set for status hearing to determine if O'Fallon and BJR Properties, Inc. have reached a final resolution.

6. If O'Fallon and BJR Properties, Inc. reach a final resolution during the sixty-day stay, Illinois-American will withdraw this Application.

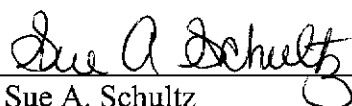
7. If O'Fallon and BJR Properties, Inc.'s negotiations have reached an impasse, this proceeding should continue.

8. If negotiations between O'Fallon and BJR Properties, Inc. have not been concluded, further consideration may be given at the proposed status hearing.

WHEREFORE, Petitioner, Illinois-American Water Company, requests that this proceeding be stayed for sixty days and the matter reset for status hearing on or about March 26, 2002.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

By:   
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(618) 239-2225

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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Necessity to Construct and Operate an	)	
Extension of its Water Distribution	)	
System in St. Clair County, Illinois.	)	
	)	

**NOTICE OF FILING**

TO: Roy A. King  
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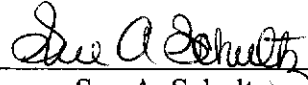
PLEASE TAKE NOTICE THAT on January 18, 2002, I caused to be electronically filed with the Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, **PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE TO STAY PROCEEDINGS**, a copy of which is attached hereto and herewith served upon you.



Sue A. Schultz

**CERTIFICATE OF SERVICE**

I, Sue A. Schultz, certify that I served this notice and the within instrument by electronic filing and by mailing copies to the above-listed attorneys at the addresses shown above and depositing same in the U.S. Mail in Belleville, Illinois on January 18, 2002, with proper postage prepaid.

  
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Sue A. Schultz